

AMENDED IN SENATE MAY 28, 2013

AMENDED IN SENATE APRIL 1, 2013

**SENATE BILL**

**No. 617**

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**Introduced by Senator Evans  
(Principal coauthor: Senator DeSaulnier)**

February 22, 2013

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An act to amend Sections 21060.5, 21068, 21080.5, 21083.9, 21092, 21092.2, 21092.3, 21100, 21108, 21152, and 21161 of, ~~to amend, repeal, and add Section 21167.6 of, to add and repeal Section 21167.6.2 of, and~~ to repeal Sections 21080.01, 21080.02, 21080.03, and 21080.04 of, the Public Resources Code, relating to the California Environmental Quality Act.

LEGISLATIVE COUNSEL'S DIGEST

SB 617, as amended, Evans. California Environmental Quality Act.

(1) The California Environmental Quality Act, referred to as CEQA requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report, referred to as an EIR on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

CEQA authorizes the Secretary of the Natural Resources Agency to certify a regulatory program that meets specified requirements. CEQA provides that written documentation required by those certified

regulatory programs may be submitted in lieu of an EIR. CEQA requires an administering agency to file with the secretary a notice of decision made pursuant to the certified regulatory program, which is required to be available for public inspection. CEQA requires a lead agency to call a scoping meeting for specified projects and provide a notice of the meeting to specified entities. CEQA requires the lead agency or a project proponent to file a notice of approval or determination with the Office of Planning and Research if the lead agency is a state agency or with the county clerk if the lead agency is a local agency. CEQA requires a public agency that has completed an EIR to file with the Office of Planning and Research a notice of completion.

CEQA requires a lead agency determining that an EIR is required for a project to send a notice of that determination to specified public agencies. CEQA requires a lead agency preparing an EIR, a negative declaration, or making a specified determination regarding a subsequent project to provide a public notice within a reasonable time period before the certification of the EIR, or the adoption of a negative declaration, or making the specified determination. CEQA requires those notices to be posted in the office of the county clerk in each county in which the project is located and requires the notices to remain posted for 30 days. CEQA requires the county clerk to post the notice within 24 hours of receipt.

This bill would additionally require the above mentioned notices to be filed with both the Office of Planning and Research and the county clerk and be posted by the county clerk for public review. The bill would require the county clerk to post the notices within one business day, as defined, of receipt and stamp on the notice the date on which the notices were actually posted. By expanding the services provided by the lead agency and the county clerk, this bill would impose a state-mandated local program. The bill would require the county clerk to post the notices for at least 30 days. The bill would require the Office of Planning and Research to post the notices on a publicly available online database established and maintained by the office. The bill would require the office to stamp the notices with the date on which the notices were actually posted for online review and would require the notices to be posted for at least 30 days. The bill would authorize the office to charge an administrative fee not to exceed \$10 per notice filed. The bill would specify that a time period or limitation period specified by CEQA does not commence until the notice is actually posted for public review by the county clerk or is available in the online database, whichever is

later. The bill would require the notice of determination to be filed solely by the lead agency.

(2) CEQA authorizes, for a project that is determined by a state agency to be exempted from the requirements of CEQA, a state agency or a project proponent to file a notice of determination with the Office of Planning and Research. CEQA authorizes, for a project that is determined by a local agency to be exempted from the requirements of CEQA, a local agency or a project proponent to file a notice of determination with the county clerk of the county in which the project is located.

This bill would require that notice of determination be filed with both the Office of Planning and Research and the county clerk. By requiring a county clerk to receive and post that notice of determination filed by a state agency, this bill would impose a state-mandated local program. The bill would provide that notice of determination be filed by the lead agency only.

(3) This bill would require the Office of Planning and Research and the county clerk, after the posting of the notices filed with them, to return the notice to the filing agency with a notation of the period the notice was posted. By requiring a county clerk to return the notice, this bill would impose a state-mandated local program.

~~(4) CEQA establishes a procedure for the preparation and certification of the record of proceedings upon the filing of an action or proceeding challenging a lead agency's action on the grounds of noncompliance with CEQA.~~

~~This bill would require, until January 1, 2017, the lead agency, at the request of a project applicant, to, among other things, prepare a record of proceedings concurrently with the preparation of negative declarations, mitigated negative declarations, EIRs, or other environmental documents for specified projects. Because the bill would require a lead agency to prepare the record of proceedings as provided, this bill would impose a state-mandated local program. The bill would condition, upon the consent of a lead agency that is a state agency, the application to state agency of the concurrent preparation of the record of proceedings.~~

~~(5)~~

(4) CEQA defines “environment” and “significant effect on the environment” for its purposes. CEQA requires the EIR to include a detailed statement setting forth specified facts.

This bill would revise those definitions, as specified. This bill would additionally require the lead agency to include in the EIR a detailed statement on any significant effects that may result from locating development ~~development~~ *the proposed project* near, or attracting people to, existing or reasonably foreseeable natural hazards or adverse environmental conditions. Because the lead agency would be required to undertake this additional consideration, this bill would impose a state-mandated local program.

(6)

(5) The bill would repeal certain exemptions from the requirements of CEQA related to the California Men's Colony West Facility, a prison facility at or in the vicinity of Corcoran, a certain prison facility in the County of King, and the Napa Valley Wine Train.

(7)

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 21060.5 of the Public Resources Code  
2 is amended to read:  
3 21060.5. "Environment" means the physical conditions that  
4 exist within the area that will be affected by a proposed project,  
5 including land, air, water, minerals, flora, fauna, noise, objects of  
6 historic or aesthetic significance, as well as the health and safety  
7 of people affected by the physical conditions at the location of a  
8 project.  
9 SEC. 2. Section 21068 of the Public Resources Code is  
10 amended to read:  
11 21068. "Significant effect on the environment" means a  
12 substantial, or potentially substantial, adverse change in the  
13 environment. "Significant effect on the environment" includes  
14 exposure of people, either directly or indirectly, to substantial  
15 existing or reasonably foreseeable natural hazard or adverse  
16 condition of the environment.

1 SEC. 3. Section 21080.01 of the Public Resources Code is  
2 repealed.

3 SEC. 4. Section 21080.02 of the Public Resources Code is  
4 repealed.

5 SEC. 5. Section 21080.03 of the Public Resources Code is  
6 repealed.

7 SEC. 6. Section 21080.04 of the Public Resources Code is  
8 repealed.

9 SEC. 7. Section 21080.5 of the Public Resources Code is  
10 amended to read:

11 21080.5. (a) Except as provided in Section 21158.1, when the  
12 regulatory program of a state agency requires a plan or other written  
13 documentation containing environmental information and  
14 complying with paragraph (3) of subdivision (d) to be submitted  
15 in support of an activity listed in subdivision (b), the plan or other  
16 written documentation may be submitted in lieu of the  
17 environmental impact report required by this division if the  
18 Secretary of the Natural Resources Agency has certified the  
19 regulatory program pursuant to this section.

20 (b) This section applies only to regulatory programs or portions  
21 thereof that involve either of the following:

22 (1) The issuance to a person of a lease, permit, license,  
23 certificate, or other entitlement for use.

24 (2) The adoption or approval of standards, rules, regulations,  
25 or plans for use in the regulatory program.

26 (c) A regulatory program certified pursuant to this section is  
27 exempt from Chapter 3 (commencing with Section 21100), Chapter  
28 4 (commencing with Section 21150), and Section 21167, except  
29 as provided in Article 2 (commencing with Section 21157) of  
30 Chapter 4.5.

31 (d) To qualify for certification pursuant to this section, a  
32 regulatory program shall require the utilization of an  
33 interdisciplinary approach that will ensure the integrated use of  
34 the natural and social sciences in decisionmaking and that shall  
35 meet all of the following criteria:

36 (1) The enabling legislation of the regulatory program does both  
37 of the following:

38 (A) Includes protection of the environment among its principal  
39 purposes.

1 (B) Contains authority for the administering agency to adopt  
2 rules and regulations for the protection of the environment, guided  
3 by standards set forth in the enabling legislation.

4 (2) The rules and regulations adopted by the administering  
5 agency for the regulatory program do all of the following:

6 (A) Require that an activity will not be approved or adopted as  
7 proposed if there are feasible alternatives or feasible mitigation  
8 measures available that would substantially lessen a significant  
9 adverse effect that the activity may have on the environment.

10 (B) Include guidelines for the orderly evaluation of proposed  
11 activities and the preparation of the plan or other written  
12 documentation in a manner consistent with the environmental  
13 protection purposes of the regulatory program.

14 (C) Require the administering agency to consult with all public  
15 agencies that have jurisdiction, by law, with respect to the proposed  
16 activity.

17 (D) Require that final action on the proposed activity include  
18 the written responses of the issuing authority to significant  
19 environmental points raised during the evaluation process.

20 (E) Require the filing of a notice of the decision by the  
21 administering agency on the proposed activity pursuant to Section  
22 21092.3.

23 (F) Require notice of the filing of the plan or other written  
24 documentation to be posted pursuant to Section 21092.3 and made  
25 to the public and to a person who requests, in writing, notification.  
26 The notification shall be made in a manner that will provide the  
27 public or a person requesting notification with sufficient time to  
28 review and comment on the filing.

29 (3) The plan or other written documentation required by the  
30 regulatory program does both of the following:

31 (A) Includes a description of the proposed activity with  
32 alternatives to the activity, and mitigation measures to minimize  
33 any significant adverse effect on the environment of the activity.

34 (B) Is available for a reasonable time for review and comment  
35 by other public agencies and the general public.

36 (e) (1) The Secretary of the Natural Resources Agency shall  
37 certify a regulatory program that the secretary determines meets  
38 all the qualifications for certification set forth in this section, and  
39 withdraw certification on determination that the regulatory program  
40 has been altered so that it no longer meets those qualifications.

1 Certification and withdrawal of certification shall occur only after  
2 compliance with Chapter 3.5 (commencing with Section 11340)  
3 of Part 1 of Division 3 of Title 2 of the Government Code.

4 (2) In determining whether or not a regulatory program meets  
5 the qualifications for certification set forth in this section, the  
6 inquiry of the secretary shall extend only to the question of whether  
7 the regulatory program meets the generic requirements of  
8 subdivision (d). The inquiry may not extend to individual decisions  
9 to be reached under the regulatory program, including the nature  
10 of specific alternatives or mitigation measures that might be  
11 proposed to lessen any significant adverse effect on the  
12 environment of the activity.

13 (3) If the secretary determines that the regulatory program  
14 submitted for certification does not meet the qualifications for  
15 certification set forth in this section, the secretary shall adopt  
16 findings setting forth the reasons for the determination.

17 (f) After a regulatory program has been certified pursuant to  
18 this section, a proposed change in the program that could affect  
19 compliance with the qualifications for certification specified in  
20 subdivision (d) may be submitted to the Secretary of the Natural  
21 Resources Agency for review and comment. The scope of the  
22 secretary's review shall extend only to the question of whether the  
23 regulatory program meets the generic requirements of subdivision  
24 (d). The review may not extend to individual decisions to be  
25 reached under the regulatory program, including specific  
26 alternatives or mitigation measures that might be proposed to lessen  
27 any significant adverse effect on the environment of the activity.  
28 The secretary shall have 30 days from the date of receipt of the  
29 proposed change to notify the state agency whether the proposed  
30 change will alter the regulatory program so that it no longer meets  
31 the qualification for certification established in this section and  
32 will result in a withdrawal of certification as provided in this  
33 section.

34 (g) An action or proceeding to attack, review, set aside, void,  
35 or annul a determination or decision of a state agency approving  
36 or adopting a proposed activity under a regulatory program that  
37 has been certified pursuant to this section on the basis that the plan  
38 or other written documentation prepared pursuant to paragraph (3)  
39 of subdivision (d) does not comply with this section shall be  
40 commenced not later than 30 days from the date of the posting of

1 notice of the approval or adoption of the activity pursuant to  
2 Section 21092.3.

3 (h) (1) An action or proceeding to attack, review, set aside,  
4 void, or annul a determination of the Secretary of the Natural  
5 Resources Agency to certify a regulatory program pursuant to this  
6 section on the basis that the regulatory program does not comply  
7 with this section shall be commenced within 30 days from the date  
8 of certification by the secretary.

9 (2) In an action brought pursuant to paragraph (1), the inquiry  
10 shall extend only to whether there was a prejudicial abuse of  
11 discretion by the secretary. Abuse of discretion is established if  
12 the secretary has not proceeded in a manner required by law or if  
13 the determination is not supported by substantial evidence.

14 (i) For purposes of this section, a county agricultural  
15 commissioner is a state agency.

16 (j) For purposes of this section, an air quality management  
17 district or air pollution control district is a state agency, except  
18 that the approval, if any, by a district of a nonattainment area plan  
19 is subject to this section only if, and to the extent that, the approval  
20 adopts or amends rules or regulations.

21 (k) (1) The secretary, by July 1, 2004, shall develop a protocol  
22 for reviewing the prospective application of certified regulatory  
23 programs to evaluate the consistency of those programs with the  
24 requirements of this division. Following the completion of the  
25 development of the protocol, the secretary shall provide a report  
26 to the Senate Committee on Environmental Quality and the  
27 Assembly Committee on Natural Resources regarding the need  
28 for a grant of additional statutory authority authorizing the secretary  
29 to undertake a review of the certified regulatory programs.

30 (2) The secretary may update the protocol, and may update the  
31 report provided to the legislative committees pursuant to paragraph  
32 (1) and provide, in compliance with Section 9795 of the  
33 Government Code, the updated report to those committees if  
34 additional statutory authority is needed.

35 (3) The secretary shall provide a significant opportunity for  
36 public participation in developing or updating the protocol  
37 described in paragraph (1) or (2) including, but not limited to, at  
38 least two public meetings with interested parties. A notice of each  
39 meeting shall be provided at least 10 days prior to the meeting to  
40 a person who files a written request for a notice with the agency



1 and to the Senate Committee on Environmental Quality and the  
2 Assembly Committee on Natural Resources.

3 SEC. 8. Section 21083.9 of the Public Resources Code is  
4 amended to read:

5 21083.9. (a) Notwithstanding Section 21080.4, 21104, or  
6 21153, a lead agency shall conduct at least one public scoping  
7 meeting for either of the following:

8 (1) A proposed project that may affect highways or other  
9 facilities under the jurisdiction of the Department of Transportation  
10 if the meeting is requested by the department. The lead agency  
11 shall call the scoping meeting as soon as possible, but not later  
12 than 30 days after receiving the request from the Department of  
13 Transportation.

14 (2) A project of statewide, regional, or areawide significance.

15 (b) The lead agency shall provide notice of at least one public  
16 scoping meeting held pursuant to paragraph (2) of subdivision (a)  
17 by posting a notice of meeting pursuant to Section 21092.3, and  
18 providing copies of the notice to all of the following:

19 (1) A county, city, or tribal land that borders on a county or city  
20 within which the project is located, unless otherwise designated  
21 annually by agreement between the lead agency and the county,  
22 city, or tribal government.

23 (2) A responsible agency.

24 (3) A public agency that has jurisdiction by law with respect to  
25 the project.

26 (4) A transportation planning agency or public agency required  
27 to be consulted pursuant to Section 21092.4.

28 (5) A public agency, organization, or individual who has filed  
29 a written request for the notice.

30 (c) For a public agency, organization, or individual that is  
31 required to be provided notice of a lead agency public meeting,  
32 the requirement for notice of a scoping meeting pursuant to  
33 subdivision (b) may be met by including the notice of a scoping  
34 meeting in the public meeting notice.

35 (d) A public scoping meeting that is held in the city or county  
36 within which the project is located pursuant to the federal National  
37 Environmental Policy Act of 1969 (42 U.S.C. Sec. 4321 et seq.)  
38 and the regulations adopted pursuant to that act shall be deemed  
39 to satisfy the requirement that a public scoping meeting be held

1 for a project subject to paragraph (2) of subdivision (a) if the lead  
2 agency meets the notice requirements of subdivision (b) or (c).

3 (e) The referral of a proposed action to adopt or substantially  
4 amend a general plan to a city or county pursuant to paragraph (1)  
5 of subdivision (a) of Section 65352 of the Government Code may  
6 be conducted concurrently with the public scoping meeting required  
7 pursuant to this section, and the city or county may submit its  
8 comments as provided pursuant to subdivision (b) of that section  
9 at the public scoping meeting.

10 SEC. 9. Section 21092 of the Public Resources Code is  
11 amended to read:

12 21092. (a) A lead agency that is preparing an environmental  
13 impact report or a negative declaration or making a determination  
14 pursuant to subdivision (c) of Section 21157.1 shall provide public  
15 notice of that fact within a reasonable period of time prior to  
16 certification of the environmental impact report, adoption of the  
17 negative declaration, or making the determination pursuant to  
18 subdivision (c) of Section 21157.1.

19 (b) (1) The notice shall specify the period during which  
20 comments will be received on the draft environmental impact  
21 report or negative declaration, and shall include the date, time, and  
22 place of any public meetings or hearings on the proposed project,  
23 a brief description of the proposed project and its location, the  
24 significant effects on the environment, if any, anticipated as a result  
25 of the project, the address where copies of the draft environmental  
26 impact report or negative declaration, and all documents referenced  
27 in the draft environmental impact report or negative declaration,  
28 are available for review, and a description of how the draft  
29 environmental impact report or negative declaration can be  
30 provided in an electronic format.

31 (2) This section shall not be construed in any manner that results  
32 in the invalidation of an action because of the alleged inadequacy  
33 of the notice content if there has been substantial compliance with  
34 the notice content requirements of this section.

35 (3) The notice required by this section shall be filed and posted  
36 pursuant to Section 21092.3 and given to the last known name and  
37 address of all organizations and individuals who have previously  
38 requested notice, and shall also be given by at least one of the  
39 following procedures:

1 (A) Publication, no fewer times than required by Section 6061  
2 of the Government Code, by the public agency in a newspaper of  
3 general circulation in the area affected by the proposed project. If  
4 more than one area will be affected, the notice shall be published  
5 in the newspaper of largest circulation from among the newspapers  
6 of general circulation in those areas.

7 (B) Posting of notice by the lead agency on- and off-site in the  
8 area where the project is to be located.

9 (C) Direct mailing to the owners and occupants of contiguous  
10 property shown on the latest equalized assessment roll.

11 (c) For a project involving the burning of municipal wastes,  
12 hazardous waste, or refuse-derived fuel, including, but not limited  
13 to, tires, meeting the qualifications of subdivision (d), notice shall  
14 be given to all organizations and individuals who have previously  
15 requested notice and shall also be given by at least the procedures  
16 specified in subparagraphs (A), (B), and (C) of paragraph (3) of  
17 subdivision (b). In addition, notification shall be given by direct  
18 mailing to the owners and occupants of property within one-fourth  
19 of a mile of any parcel or parcels on which is located a project  
20 subject to this subdivision.

21 (d) The notice requirements of subdivision (c) apply to both of  
22 the following:

23 (1) The construction of a new facility.

24 (2) The expansion of an existing facility that burns hazardous  
25 waste which would increase its permitted capacity by more than  
26 10 percent. For purposes of this paragraph, the amount of expansion  
27 of an existing facility shall be calculated by comparing the  
28 proposed facility capacity with whichever of the following is  
29 applicable:

30 (A) The facility capacity approved in the facility's hazardous  
31 waste facilities permit pursuant to Section 25200 of the Health and  
32 Safety Code or its grant of interim status pursuant to Section  
33 25200.5 of the Health and Safety Code, or the facility capacity  
34 authorized in any state or local agency permit allowing the  
35 construction or operation of a facility for the burning of hazardous  
36 waste, granted before January 1, 1990.

37 (B) The facility capacity authorized in the facility's original  
38 hazardous waste facilities permit, grant of interim status, or any  
39 state or local agency permit allowing the construction or operation

1 of a facility for the burning of hazardous waste, granted on or after  
2 January 1, 1990.

3 (e) The notice requirements specified in subdivision (b) or (c)  
4 shall not preclude a public agency from providing additional notice  
5 by other means if the agency so desires, or from providing the  
6 public notice required by this section at the same time and in the  
7 same manner as public notice otherwise required by law for the  
8 project.

9 SEC. 10. Section 21092.2 of the Public Resources Code is  
10 amended to read:

11 21092.2. (a) The notices required pursuant to Sections 21080.4,  
12 21080.5, 21083.9, 21092, 21108, 21152, and 21161 shall be mailed  
13 to every person who has filed a written request for notices with  
14 either the clerk of the governing body or, if there is no governing  
15 body, the director of the agency. If the agency offers to provide  
16 the notices by email, upon filing a written request for notices, a  
17 person may request that the notices be provided to him or her by  
18 email. The request may also be filed with any other person  
19 designated by the governing body or director to receive these  
20 requests. The agency may require requests for notices to be  
21 annually renewed. The public agency may charge a fee, except to  
22 other public agencies, that is reasonably related to the costs of  
23 providing this service.

24 (b) Subdivision (a) shall not be construed in any manner that  
25 results in the invalidation of an action because of the failure of a  
26 person to receive a requested notice, if there has been substantial  
27 compliance with the requirements of this section.

28 (c) The notices required pursuant to Sections 21080.4 and 21161  
29 shall be provided by the State Clearinghouse to any legislator in  
30 whose district the project has an environmental impact, if the  
31 legislator requests the notice and the State Clearinghouse has  
32 received it.

33 SEC. 11. Section 21092.3 of the Public Resources Code is  
34 amended to read:

35 21092.3. (a) The notices required pursuant to Sections 21080.4,  
36 21080.5, 21083.9, 21092, 21108, 21152, and 21161 shall be filed  
37 with and posted for public review in the office of the county clerk  
38 of each county in which the project will be located and shall remain  
39 posted for a period of at least 30 days or the full duration of any  
40 time period under this division that may commence upon the filing

1 of the notice, whichever is longer. The clerk shall, thereafter, return  
2 the notice to the filing agency with a notation of the period it was  
3 posted. The county clerk shall post the notices within one business  
4 day of receipt and shall stamp on the notice the date on which it  
5 was actually posted for public review.

6 (b) The notices required pursuant to Sections 21080.4, 21080.5,  
7 21083.9, 21092, 21108, 21152, and 21161 shall be filed with, and  
8 posted on, a publicly available, online database established and  
9 maintained by the Office of Planning and Research. The online  
10 database shall include the capability to view and download the  
11 notices in the form filed with the Office of Planning and Research.  
12 Notices filed in the online database shall be stamped by the Office  
13 of Planning and Research with the date on which they were actually  
14 posted for online review by the public, and shall remain  
15 electronically available in the database for a minimum of 10 years.  
16 The Office of Planning and Research shall retain the physical copy  
17 of the notice for at least 30 days or for the full duration of a time  
18 period required pursuant to this division that may commence upon  
19 the filing of the notice, whichever is longer. The Office of Planning  
20 and Research shall, thereafter, return the notice to the filing agency  
21 with a notation of the period it was posted. The Office of Planning  
22 and Research shall post the notices in its online database within  
23 one business day of receipt. The Office of Planning and Research  
24 may require the agency filing the notice to pay an administrative  
25 fee not to exceed ten dollars (\$10) per notice filed for the purposes  
26 of maintaining its online database and implementing its duties  
27 under this section. The agency filing the notice may recover its  
28 filing costs from the person specified in subdivision (b) or (c) of  
29 Section 21065, as reflected in the agency's record of proceedings.

30 (c) Any time periods or limitation periods established under this  
31 division that are subject to the notices posted under this section  
32 shall not commence until the notice is actually posted for public  
33 review by the county clerk and in the online database maintained  
34 by the Office of Planning and Research. If the county clerk and  
35 the Office of Planning and Research posts the notice on different  
36 days, the time period shall run from the date of the later posting.

37 (d) For the purposes of this section, "business days" does not  
38 include Saturday, Sunday, or a day observed as a holiday by the  
39 state government.

SEC. 12. Section 21100 of the Public Resources Code is amended to read:

21100. (a) All lead agencies shall prepare, or cause to be prepared by contract, and certify the completion of, an environmental impact report on any project which they propose to carry out or approve that may have a significant effect on the environment. Whenever feasible, a standard format shall be used for environmental impact reports.

(b) The environmental impact report shall include a detailed statement setting forth all of the following:

(1) All significant effects on the environment of the proposed project.

(2) In a separate section:

(A) Any significant effect on the environment that cannot be avoided if the project is implemented.

(B) Any significant effect on the environment that would be irreversible if the project is implemented.

(3) Mitigation measures proposed to minimize significant effects on the environment, including, but not limited to, measures to reduce the wasteful, inefficient, and unnecessary consumption of energy.

(4) Alternatives to the proposed project.

(5) The growth-inducing impact of the proposed project.

(6) Any significant effects that may result from locating ~~development~~ *the proposed project* near, or attracting people to, existing or reasonably foreseeable natural hazards or adverse environmental conditions.

(c) The report shall also contain a statement briefly indicating the reasons for determining that various effects on the environment of a project are not significant and consequently have not been discussed in detail in the environmental impact report.

(d) For purposes of this section, any significant effect on the environment shall be limited to substantial, or potentially substantial, adverse changes in physical conditions which exist within the area as defined in Section 21060.5.

(e) Previously approved land use documents, including, but not limited to, general plans, specific plans, and local coastal plans, may be used in cumulative impact analysis.

SEC. 13. Section 21108 of the Public Resources Code is amended to read:

1     21108. (a) If a state agency approves or determines to carry  
2 out a project that is subject to this division, the state agency shall  
3 file notice of that approval or that determination with the Office  
4 of Planning and Research and with the county clerk of each county  
5 in which the project will be located. The notice shall identify the  
6 person or persons in subdivision (b) or (c) of Section 21065, as  
7 reflected in the agency's record of proceedings, and indicate the  
8 determination of the state agency whether the project will, or will  
9 not, have a significant effect on the environment and shall indicate  
10 whether an environmental impact report has been prepared pursuant  
11 to this division.

12     (b) If a state agency determines that a project is not subject to  
13 this division pursuant to subdivision (b) of Section 21080 or  
14 Section 21172, and the state agency approves or determines to  
15 carry out the project, the state agency may file notice of the  
16 determination with the county clerk of each county in which the  
17 project will be located and the Office of Planning and Research.  
18 A notice filed pursuant to this subdivision shall identify the person  
19 or persons in subdivision (b) or (c) of Section 21065, as reflected  
20 in the agency's record of proceedings. A notice filed pursuant to  
21 this subdivision by a person specified in subdivision (b) or (c) of  
22 Section 21065 shall have a certificate of determination attached  
23 to it issued by the state agency responsible for making the  
24 determination that the project is not subject to this division pursuant  
25 to subdivision (b) of Section 21080 or pursuant to Section 21172.  
26 The certificate of determination may be in the form of a certified  
27 copy of an existing document or record of the state agency.

28     SEC. 14. Section 21152 of the Public Resources Code is  
29 amended to read:

30     21152. (a) If a local agency approves or determines to carry  
31 out a project that is subject to this division, the local agency shall  
32 file notice of the approval or the determination within five working  
33 days after the approval or determination becomes final, with the  
34 county clerk of each county in which the project will be located  
35 and with the Office of Planning and Research. The notice shall  
36 identify the person or persons in subdivision (b) or (c) of Section  
37 21065, as reflected in the agency's record of proceedings, and  
38 indicate the determination of the local agency whether the project  
39 will, or will not, have a significant effect on the environment and  
40 shall indicate whether an environmental impact report has been

1 prepared pursuant to this division. The notice shall also include  
2 certification that the final environmental impact report, if one was  
3 prepared, together with comments and responses, is available to  
4 the general public.

5 (b) If a local agency determines that a project is not subject to  
6 this division pursuant to subdivision (b) of Section 21080 or  
7 pursuant to Section 21172, and the local agency approves or  
8 determines to carry out the project, the local agency may file a  
9 notice of the determination with the county clerk of each county  
10 in which the project will be located and the Office of Planning and  
11 Research. A notice filed pursuant to this subdivision shall identify  
12 the person or persons in subdivision (b) or (c) of Section 21065,  
13 as reflected in the agency's record of proceedings. A notice filed  
14 pursuant to this subdivision shall have a certificate of determination  
15 attached to it issued by the local agency responsible for making  
16 the determination that the project is not subject to this division  
17 pursuant to subdivision (b) of Section 21080 or Section 21172.  
18 The certificate of determination may be in the form of a certified  
19 copy of an existing document or record of the local agency.

20 SEC. 15. Section 21161 of the Public Resources Code is  
21 amended to read:

22 21161. Whenever a public agency has completed an  
23 environmental impact report, it shall cause a notice of completion  
24 of that report to be filed with the county clerk of each county in  
25 which the project will be located and the Office of Planning and  
26 Research. The notice of completion shall briefly identify the project  
27 and shall indicate that an environmental impact report has been  
28 prepared. The notice of completion shall identify the project  
29 location by latitude and longitude. Failure to file the notice required  
30 by this section shall not affect the validity of a project.

31 ~~SEC. 16. Section 21167.6 of the Public Resources Code is~~  
32 ~~amended to read:~~

33 ~~21167.6. Notwithstanding any other law, in all actions or~~  
34 ~~proceedings brought pursuant to Section 21167, except as provided~~  
35 ~~for in Section 21167.6.2 or those involving the Public Utilities~~  
36 ~~Commission, all of the following shall apply:~~

37 ~~(a) At the time that the action or proceeding is filed, the plaintiff~~  
38 ~~or petitioner shall file a request that the respondent public agency~~  
39 ~~prepare the record of proceedings relating to the subject of the~~  
40 ~~action or proceeding. The request, together with the complaint or~~



1 petition, shall be served personally upon the public agency not  
2 later than 10 business days from the date that the action or  
3 proceeding was filed.

4 (b) (1) The public agency shall prepare and certify the record  
5 of proceedings not later than 60 days from the date that the request  
6 specified in subdivision (a) was served upon the public agency.  
7 Upon certification, the public agency shall lodge a copy of the  
8 record of proceedings with the court and shall serve on the parties  
9 notice that the record of proceedings has been certified and lodged  
10 with the court. The parties shall pay any reasonable costs or fees  
11 imposed for the preparation of the record of proceedings in  
12 conformance with any law or rule of court.

13 (2) The plaintiff or petitioner may elect to prepare the record  
14 of proceedings or the parties may agree to an alternative method  
15 of preparation of the record of proceedings, subject to certification  
16 of its accuracy by the public agency, within the time limit specified  
17 in this subdivision.

18 (c) The time limit established by subdivision (b) may be  
19 extended only upon the stipulation of all parties who have been  
20 properly served in the action or proceeding or upon order of the  
21 court. Extensions shall be liberally granted by the court when the  
22 size of the record of proceedings renders infeasible compliance  
23 with that time limit. There is no limit on the number of extensions  
24 that may be granted by the court, but no single extension shall  
25 exceed 60 days unless the court determines that a longer extension  
26 is in the public interest.

27 (d) If the public agency fails to prepare and certify the record  
28 within the time limit established in paragraph (1) of subdivision  
29 (b), or any continuances of that time limit, the plaintiff or petitioner  
30 may move for sanctions, and the court may, upon that motion,  
31 grant appropriate sanctions.

32 (e) The record of proceedings shall include, but is not limited  
33 to, all of the following items:

34 (1) All project application materials.

35 (2) All staff reports and related documents prepared by the  
36 respondent public agency with respect to its compliance with the  
37 substantive and procedural requirements of this division and with  
38 respect to the action on the project.

39 (3) All staff reports and related documents prepared by the  
40 respondent public agency and written testimony or documents

1 submitted by any person relevant to any findings or statement of  
2 overriding considerations adopted by the respondent agency  
3 pursuant to this division.

4 (4) Any transcript or minutes of the proceedings at which the  
5 decisionmaking body of the respondent public agency heard  
6 testimony on, or considered any environmental document on, the  
7 project, and any transcript or minutes of proceedings before any  
8 advisory body to the respondent public agency that were presented  
9 to the decisionmaking body prior to action on the environmental  
10 documents or on the project.

11 (5) All notices issued by the respondent public agency to comply  
12 with this division or with any other law governing the processing  
13 and approval of the project.

14 (6) All written comments received in response to, or in  
15 connection with, environmental documents prepared for the project,  
16 including responses to the notice of preparation.

17 (7) All written evidence or correspondence submitted to, or  
18 transferred from, the respondent public agency with respect to  
19 compliance with this division or with respect to the project.

20 (8) Any proposed decisions or findings submitted to the  
21 decisionmaking body of the respondent public agency by its staff,  
22 or the project proponent, project opponents, or other persons.

23 (9) The documentation of the final public agency decision,  
24 including the final environmental impact report, mitigated negative  
25 declaration, or negative declaration, and all documents, in addition  
26 to those referenced in paragraph (3), cited or relied on in the  
27 findings or in a statement of overriding considerations adopted  
28 pursuant to this division.

29 (10) Any other written materials relevant to the respondent  
30 public agency's compliance with this division or to its decision on  
31 the merits of the project, including the initial study, any drafts of  
32 any environmental document, or portions thereof, that have been  
33 released for public review, and copies of studies or other documents  
34 relied upon in any environmental document prepared for the project  
35 and either made available to the public during the public review  
36 period or included in the respondent public agency's files on the  
37 project, and all internal agency communications, including staff  
38 notes and memoranda related to the project or to compliance with  
39 this division.

1     ~~(11) The full written record before any inferior administrative~~  
2     ~~decisionmaking body whose decision was appealed to a superior~~  
3     ~~administrative decisionmaking body prior to the filing of litigation.~~

4     ~~(f) In preparing the record of proceedings, the party preparing~~  
5     ~~the record shall strive to do so at reasonable cost in light of the~~  
6     ~~scope of the record.~~

7     ~~(g) The clerk of the superior court shall prepare and certify the~~  
8     ~~clerk's transcript on appeal not later than 60 days from the date~~  
9     ~~that the notice designating the papers or records to be included in~~  
10    ~~the clerk's transcript was filed with the superior court, if the party~~  
11    ~~or parties pay any costs or fees for the preparation of the clerk's~~  
12    ~~transcript imposed in conformance with any law or rules of court.~~  
13    ~~Nothing in this subdivision precludes an election to proceed by~~  
14    ~~appendix, as provided in Rule 8.124 of the California Rules of~~  
15    ~~Court.~~

16    ~~(h) Extensions of the period for the filing of any brief on appeal~~  
17    ~~may be allowed only by stipulation of the parties or by order of~~  
18    ~~the court for good cause shown. Extensions for the filing of a brief~~  
19    ~~on appeal shall be limited to one 30-day extension for the~~  
20    ~~preparation of an opening brief, and one 30-day extension for the~~  
21    ~~preparation of a responding brief, except that the court may grant~~  
22    ~~a longer extension or additional extensions if it determines that~~  
23    ~~there is a substantial likelihood of settlement that would avoid the~~  
24    ~~necessity of completing the appeal.~~

25    ~~(i) At the completion of the filing of briefs on appeal, the~~  
26    ~~appellant shall notify the court of the completion of the filing of~~  
27    ~~briefs, whereupon the clerk of the reviewing court shall set the~~  
28    ~~appeal for hearing on the first available calendar date.~~

29    ~~(j) This section shall remain in effect only until January 1, 2017,~~  
30    ~~and as of that date is repealed, unless a later enacted statute, that~~  
31    ~~is enacted before January 1, 2017, deletes or extends that date.~~

32    ~~SEC. 17. Section 21167.6 is added to the Public Resources~~  
33    ~~Code, to read:~~

34    ~~21167.6. Notwithstanding any other law, in all actions or~~  
35    ~~proceedings brought pursuant to Section 21167, except those~~  
36    ~~involving the Public Utilities Commission, all of the following~~  
37    ~~shall apply:~~

38    ~~(a) At the time that the action or proceeding is filed, the plaintiff~~  
39    ~~or petitioner shall file a request that the respondent public agency~~  
40    ~~prepare the record of proceedings relating to the subject of the~~

1 action or proceeding. The request, together with the complaint or  
2 petition, shall be served personally upon the public agency not  
3 later than 10 business days from the date that the action or  
4 proceeding was filed.

5 (b) (1) The public agency shall prepare and certify the record  
6 of proceedings not later than 60 days from the date that the request  
7 specified in subdivision (a) was served upon the public agency.  
8 Upon certification, the public agency shall lodge a copy of the  
9 record of proceedings with the court and shall serve on the parties  
10 notice that the record of proceedings has been certified and lodged  
11 with the court. The parties shall pay any reasonable costs or fees  
12 imposed for the preparation of the record of proceedings in  
13 conformance with any law or rule of court.

14 (2) The plaintiff or petitioner may elect to prepare the record  
15 of proceedings or the parties may agree to an alternative method  
16 of preparation of the record of proceedings, subject to certification  
17 of its accuracy by the public agency, within the time limit specified  
18 in this subdivision.

19 (c) The time limit established by subdivision (b) may be  
20 extended only upon the stipulation of all parties who have been  
21 properly served in the action or proceeding or upon order of the  
22 court. Extensions shall be liberally granted by the court when the  
23 size of the record of proceedings renders infeasible compliance  
24 with that time limit. There is no limit on the number of extensions  
25 that may be granted by the court, but no single extension shall  
26 exceed 60 days unless the court determines that a longer extension  
27 is in the public interest.

28 (d) If the public agency fails to prepare and certify the record  
29 within the time limit established in paragraph (1) of subdivision  
30 (b), or any continuances of that time limit, the plaintiff or petitioner  
31 may move for sanctions, and the court may, upon that motion,  
32 grant appropriate sanctions.

33 (e) The record of proceedings shall include, but is not limited  
34 to, all of the following items:

35 (1) All project application materials.

36 (2) All staff reports and related documents prepared by the  
37 respondent public agency with respect to its compliance with the  
38 substantive and procedural requirements of this division and with  
39 respect to the action on the project.

1     ~~(3) All staff reports and related documents prepared by the~~  
2     ~~respondent public agency and written testimony or documents~~  
3     ~~submitted by any person relevant to any findings or statement of~~  
4     ~~overriding considerations adopted by the respondent agency~~  
5     ~~pursuant to this division.~~

6     ~~(4) Any transcript or minutes of the proceedings at which the~~  
7     ~~decisionmaking body of the respondent public agency heard~~  
8     ~~testimony on, or considered any environmental document on, the~~  
9     ~~project, and any transcript or minutes of proceedings before any~~  
10    ~~advisory body to the respondent public agency that were presented~~  
11    ~~to the decisionmaking body prior to action on the environmental~~  
12    ~~documents or on the project.~~

13    ~~(5) All notices issued by the respondent public agency to comply~~  
14    ~~with this division or with any other law governing the processing~~  
15    ~~and approval of the project.~~

16    ~~(6) All written comments received in response to, or in~~  
17    ~~connection with, environmental documents prepared for the project,~~  
18    ~~including responses to the notice of preparation.~~

19    ~~(7) All written evidence or correspondence submitted to, or~~  
20    ~~transferred from, the respondent public agency with respect to~~  
21    ~~compliance with this division or with respect to the project.~~

22    ~~(8) Any proposed decisions or findings submitted to the~~  
23    ~~decisionmaking body of the respondent public agency by its staff,~~  
24    ~~or the project proponent, project opponents, or other persons.~~

25    ~~(9) The documentation of the final public agency decision,~~  
26    ~~including the final environmental impact report, mitigated negative~~  
27    ~~declaration, or negative declaration, and all documents, in addition~~  
28    ~~to those referenced in paragraph (3), cited or relied on in the~~  
29    ~~findings or in a statement of overriding considerations adopted~~  
30    ~~pursuant to this division.~~

31    ~~(10) Any other written materials relevant to the respondent~~  
32    ~~public agency's compliance with this division or to its decision on~~  
33    ~~the merits of the project, including the initial study, any drafts of~~  
34    ~~any environmental document, or portions thereof, that have been~~  
35    ~~released for public review, and copies of studies or other documents~~  
36    ~~relied upon in any environmental document prepared for the project~~  
37    ~~and either made available to the public during the public review~~  
38    ~~period or included in the respondent public agency's files on the~~  
39    ~~project, and all internal agency communications, including staff~~

1 notes and memoranda related to the project or to compliance with  
2 this division.

3 ~~(11) The full written record before any inferior administrative~~  
4 ~~decisionmaking body whose decision was appealed to a superior~~  
5 ~~administrative decisionmaking body prior to the filing of litigation.~~

6 ~~(f) In preparing the record of proceedings, the party preparing~~  
7 ~~the record shall strive to do so at reasonable cost in light of the~~  
8 ~~scope of the record.~~

9 ~~(g) The clerk of the superior court shall prepare and certify the~~  
10 ~~clerk's transcript on appeal not later than 60 days from the date~~  
11 ~~that the notice designating the papers or records to be included in~~  
12 ~~the clerk's transcript was filed with the superior court, if the party~~  
13 ~~or parties pay any costs or fees for the preparation of the clerk's~~  
14 ~~transcript imposed in conformance with any law or rules of court.~~  
15 ~~Nothing in this subdivision precludes an election to proceed by~~  
16 ~~appendix, as provided in Rule 8.124 of the California Rules of~~  
17 ~~Court.~~

18 ~~(h) Extensions of the period for the filing of any brief on appeal~~  
19 ~~may be allowed only by stipulation of the parties or by order of~~  
20 ~~the court for good cause shown. Extensions for the filing of a brief~~  
21 ~~on appeal shall be limited to one 30-day extension for the~~  
22 ~~preparation of an opening brief, and one 30-day extension for the~~  
23 ~~preparation of a responding brief, except that the court may grant~~  
24 ~~a longer extension or additional extensions if it determines that~~  
25 ~~there is a substantial likelihood of settlement that would avoid the~~  
26 ~~necessity of completing the appeal.~~

27 ~~(i) At the completion of the filing of briefs on appeal, the~~  
28 ~~appellant shall notify the court of the completion of the filing of~~  
29 ~~briefs, whereupon the clerk of the reviewing court shall set the~~  
30 ~~appeal for hearing on the first available calendar date.~~

31 ~~(j) This section shall become operative on January 1, 2017.~~

32 ~~SEC. 18. Section 21167.6.2 is added to the Public Resources~~  
33 ~~Code, to read:~~

34 ~~21167.6.2. (a) (1) Notwithstanding Section 21167.6, for a~~  
35 ~~project described in subdivision (f), upon the written request of a~~  
36 ~~project applicant received no later than 30 days after the date that~~  
37 ~~a lead agency makes a determination pursuant to subdivision (a)~~  
38 ~~of Section 21080.1, Section 21094.5, or Chapter 4.2 (commencing~~  
39 ~~with Section 21155), the lead agency shall prepare and certify the~~  
40 ~~record of proceedings in the following manner:~~

1     (A) ~~The lead agency for the project shall prepare the record of~~  
2 ~~proceedings pursuant to this division concurrently with the~~  
3 ~~administrative process.~~

4     (B) ~~All documents and other materials placed in the record of~~  
5 ~~proceedings that are not otherwise exempted from public disclosure~~  
6 ~~shall be posted on, and be downloadable from, an Internet Web~~  
7 ~~site maintained by the lead agency commencing with the date of~~  
8 ~~the release of the draft environmental document for a project~~  
9 ~~specified in subdivision (f). If the lead agency cannot maintain an~~  
10 ~~Internet Web site with the information required pursuant to this~~  
11 ~~section, the lead agency shall provide a link on the agency's~~  
12 ~~Internet Web site to that information.~~

13     (C) ~~The lead agency shall make available to the public, in a~~  
14 ~~readily accessible electronic format, the draft environmental~~  
15 ~~document for a project specified in subdivision (f) and all other~~  
16 ~~documents submitted to, cited by, or relied on by, the lead agency~~  
17 ~~in the preparation of the draft environmental document for a project~~  
18 ~~specified in subdivision (f).~~

19     (D) ~~A document prepared by the lead agency or submitted by~~  
20 ~~the applicant after the date of the release of the draft environmental~~  
21 ~~document for a project specified in subdivision (f) that is a part of~~  
22 ~~the record of the proceedings shall be made available to the public~~  
23 ~~in a readily accessible electronic format within five business days~~  
24 ~~after the document is released or received by the lead agency.~~

25     (E) ~~The lead agency shall encourage written comments on the~~  
26 ~~project to be submitted in a readily accessible electronic format,~~  
27 ~~and shall make any comment available to the public in a readily~~  
28 ~~accessible electronic format within five days of its receipt.~~

29     (F) ~~Within seven business days after the receipt of any comment~~  
30 ~~that is not in an electronic format, the lead agency shall convert~~  
31 ~~that comment into a readily accessible electronic format and make~~  
32 ~~it available to the public in that format.~~

33     (G) ~~The lead agency shall certify the record of proceedings~~  
34 ~~within 30 days after the filing of the notice required pursuant to~~  
35 ~~Section 21108 or 21152.~~

36     (2) ~~This subdivision does not require the disclosure or posting~~  
37 ~~of a trade secret, as defined in Section 6254.7 of the Government~~  
38 ~~Code, information about the location of archaeological sites or~~  
39 ~~sacred lands, or other information that is subject to the exemption~~

1 from disclosures specified in Section 6254 of the Government  
2 Code.

3 (b) Any dispute regarding the record of proceedings shall be  
4 resolved by the court in an action or proceeding brought pursuant  
5 to Section 21167. The parties shall meet and confer in good-faith  
6 effort to resolve any dispute before seeking resolution in court.

7 (c) The content of the record of proceedings shall be as specified  
8 in subdivision (e) of Section 21167.6.

9 (d) Subdivisions (g) to (i), inclusive, of Section 21167.6 are  
10 applicable to an appeal of a decision in an action or proceeding  
11 brought pursuant to Section 21167.

12 (e) The negative declaration, mitigated negative declaration,  
13 draft and final environmental impact report, or other environmental  
14 document for a project specified in subdivision (f) shall include a  
15 notice in no less than 12-point type stating the following:

16  
17 “THIS — NEGATIVE — DECLARATION, — MITIGATED  
18 NEGATIVE DECLARATION, EIR, OR ENVIRONMENTAL  
19 DOCUMENT IS SUBJECT TO SECTION 21167.6.2 OF THE  
20 PUBLIC RESOURCES CODE, WHICH REQUIRES THE  
21 RECORD OF PROCEEDINGS FOR THIS PROJECT TO BE  
22 PREPARED — CONCURRENTLY — WITH — THE  
23 ADMINISTRATIVE PROCESS, DOCUMENTS PREPARED  
24 BY, OR SUBMITTED TO, THE LEAD AGENCY TO BE  
25 POSTED ON THE LEAD AGENCY’S INTERNET WEB SITE,  
26 AND THE LEAD AGENCY TO ENCOURAGE WRITTEN  
27 COMMENTS ON THE PROJECT TO BE SUBMITTED TO THE  
28 LEAD AGENCY IN A READILY ACCESSIBLE ELECTRONIC  
29 FORMAT.”

30  
31 (f) This section applies to the record of proceedings for the  
32 preparation of a negative declaration, mitigated negative  
33 declaration, environmental impact report, or other environmental  
34 document prepared for any of the following:

35 (1) A project determined to be of statewide, regional, or  
36 areawide environmental significance pursuant to subdivision (d)  
37 of Section 21083.

38 (2) A project subject to Section 21094.5 or Chapter 4.2  
39 (commencing with Section 21155).



1     ~~(3) (A) A project, other than one described in paragraphs (1)~~  
2     ~~and (2), for which the lead agency consents to prepare the record~~  
3     ~~of proceedings pursuant to this paragraph.~~

4     ~~(B) The lead agency shall respond to a request by the project~~  
5     ~~applicant within 10 business days from the date that the request~~  
6     ~~pursuant to subdivision (a) is received by the lead agency.~~

7     ~~(C) A project applicant and the lead agency may mutually agree,~~  
8     ~~in writing, to extend the time period for the lead agency to respond~~  
9     ~~pursuant to subparagraph (B), but they shall not extend that period~~  
10    ~~beyond the commencement of the public review period for the~~  
11    ~~proposed negative declaration, mitigated negative declaration, or~~  
12    ~~draft environmental impact report.~~

13    ~~(D) The request to prepare a record of proceedings pursuant to~~  
14    ~~this paragraph shall be deemed denied if the lead agency fails to~~  
15    ~~respond within 10 business days of receiving the request or within~~  
16    ~~the time period agreed upon pursuant to subparagraph (C),~~  
17    ~~whichever ends later.~~

18    ~~(g) For a lead agency that is a state agency, the preparation of~~  
19    ~~the record of proceedings pursuant to this section applies if the~~  
20    ~~state agency consents to the preparation of the record of~~  
21    ~~proceedings pursuant to this section.~~

22    ~~(h) The written request of the applicant submitted pursuant to~~  
23    ~~subdivision (a) shall include an agreement to pay all of the lead~~  
24    ~~agency's costs in preparing and certifying the record of proceedings~~  
25    ~~pursuant to this section and complying with the requirements of~~  
26    ~~this section in a manner specified by the lead agency.~~

27    ~~(i) The costs of preparing the record of proceedings pursuant~~  
28    ~~to this section and complying with the requirements of this section~~  
29    ~~are not recoverable costs pursuant to Section 1033 of the Code of~~  
30    ~~Civil Procedure.~~

31    ~~(j) This section shall remain in effect only until January 1, 2017,~~  
32    ~~and as of that date is repealed, unless a later enacted statute, that~~  
33    ~~is enacted before January 1, 2017, deletes or extends that date.~~

34    ~~SEC. 19.~~

35    ~~SEC. 16.~~ No reimbursement is required by this act pursuant to  
36    Section 6 of Article XIII B of the California Constitution because  
37    a local agency or school district has the authority to levy service  
38    charges, fees, or assessments sufficient to pay for the program or

- 1 level of service mandated by this act, within the meaning of Section
- 2 17556 of the Government Code.

O